
MEDICINES FOR HUMAN USE ORDINANCE 2007

An Ordinance to make provision for the application in the Sovereign Base Areas of certain legislation made by the Republic of Cyprus relating to the control of quality, supply and prices of medicines for human use

R. H. LACEY

4th July 2007.

ADMINISTRATOR

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. Short title

This Ordinance may be cited as the Medicines for Human Use Ordinance 2007.

2. Interpretation

In this Ordinance –

“medicines law” means a Law of the Republic which is listed in the Schedule together with –

- (a) any amendment made to such a Law (whenever enacted);
- (b) any public instrument made under such a Law (whenever enacted);
- (c) any amendment made to such a public instrument (whenever enacted);

“officer of the Areas” means a person authorised by the Chief Officer under section 5(4) to exercise any powers or perform any duties in accordance with this Ordinance;

“officer of the Republic” means –

- (a) a person who, whether or not he is a member of the public service of the Republic;
- (b) a body of persons which, whether or not it is an official body and whether or not it is incorporated,

has any powers conferred, or any duties imposed upon him or it, by or under any medicines law.

3. General application

- (1) Subject to the other provisions of this Ordinance, all such rights, powers, liabilities, obligations and restrictions from time to time created or arising in the Republic by or under any medicines law and all such remedies and procedures from time to time provided for by or under such a law is, subject to necessary modification and so far as possible, to be recognised and available in law in the Areas and allowed and followed accordingly.
- (2) A medicines law, unless the Chief Officer by Order to be published in the Gazette otherwise directs, only takes effect in the Areas in accordance with subsection (1) after the expiry of 60 days from the date on which that law or any provision of that law came into force in the Republic.
- (3) Subsection (1) does not apply to any power or duty contained in a medicines law which permits or requires a person or body to make a public instrument of any kind.
- (4) A medicines law which is given effect to in the Areas by virtue of subsection (1) is to be treated for all purposes as if it is subordinate legislation made under this Ordinance.

4. Modifications and adaptations

- (1) The application of a medicines law in the Areas is, unless the context otherwise requires, subject to the following –
 - (a) where a medicines law is repealed or revoked but is not replaced by the Republic it ceases to have effect in the Areas;
 - (b) where a medicines law is repealed and replaced by the Republic with another medicines law, the medicines law included in the Schedule continues to have effect in the Areas;
 - (c) where a provision of a medicines law contains a reference to any other Republican legislation, then –
 - (i) if there is a provision of the Areas (including a provision which has effect in accordance with section 3) corresponding to that other Republican provision, the reference is to be construed as a reference to the corresponding provision of the Areas;
 - (ii) in any other case, the provision of the medicines law containing that reference does not have effect in the Areas;
 - (d) where a provision of a medicines law refers to the import or export of any item, this does not apply to any movement of that item between the Republic and the Areas;
 - (e) a provision contained in a medicines law which –
 - (i) permits or requires the establishment of a body (whether incorporated or not) for the purpose of exercising any duties imposed or powers conferred on it by that law; or
 - (ii) permits or requires the establishment of a body (whether incorporated or not) for the purpose of providing assistance to any officer of the Republic in connection with any such duties or powers conferred or imposed on him by that law; and
 - (iii) in either case creates any liability or duty in relation to the establishment, functioning or termination of such a body,

does not have effect in the Areas.
- (2) The application of a medicines law in the Areas is, unless the context otherwise requires, subject to the following interpretations notwithstanding anything to the contrary contained in a medicines law –

“Court” is to be construed as the Resident Judge’s Court or the Senior Judges’ Court as appropriate;

“Republic” is to be construed as a reference to the Areas;

“third country” is to be construed as a country or territory other than a member State, the Areas or the Republic but includes any part of the Island of Cyprus not under the effective control of the Republic or the Administration.
- (3) The Administrator may by Order to be published in the Gazette provide for the application of a medicines law in the Areas to be subject to such additional exceptions, adaptations

or modifications, from such date as may be specified in the order, as he may consider expedient in the circumstances.

- (4) Without prejudice to the generality of subsection (3), the Administrator may by Order to be published in the Gazette provide for a medicines law to cease to have effect in the Areas from such date as may be specified in the Order.

5. Powers and duties

- (1) Any power conferred or duty imposed on an officer of the Republic under a medicines law is, subject to subsection (3), deemed to be conferred or, as the case may be, imposed on the Chief Officer.
- (2) Any power conferred or duty imposed on the Chief Officer by virtue of subsection (1) may, subject to any restrictions or conditions imposed by section 6 or under an order made under section 4, be lawfully exercised, or as the case may require, may lawfully be performed in the Areas or elsewhere by such officer of the Republic as is authorised to exercise a similar power or required to perform a similar duty in the Republic by or under a medicines law.
- (3) Any body which, in the Republic, is created as a result of a provision of the kind referred to in section 4(1)(e) is to be recognised in the Areas as having the same rights and duties as if that body had been established under the provisions of this Ordinance and has the same powers and duties as those conferred or imposed upon that body in the Republic for the purpose of carrying out its objects as specified in that provision in the Republic.
- (4) Without prejudice to subsection (2), the Chief Officer may authorise an officer of the Areas to perform any duty or to exercise any power contained in a medicines law subject to such restrictions or conditions as he may specify.
- (5) For the purposes of this Ordinance, the exercise of any power or the performance of any duty includes the doing of any act or thing which is permitted or required to be done in relation to the exercise of that power or the performance of that duty.

6. Limits of delegation

- (1) Nothing in this Ordinance has the effect of –
 - (a) entitling an officer of the Republic to exercise any power or requiring him to perform any duty in or in relation to the Areas otherwise than –
 - (i) pursuant to section 5, and
 - (ii) in accordance with the medicines law under which he purports to act;
 - (b) abridging or in any other way affecting any powers or duties of the Chief Officer or officer of the Areas, under a medicines law, which powers may be exercised notwithstanding that an officer of the Republic may be entitled pursuant to section 5(2) or (3) to exercise similar power.
- (2) The exercise or performance of any powers or duties by the Chief Officer or officer of the Areas, deprives the relevant officer of the Republic of the right to exercise or perform the power or duty for as long as the Chief Officer or officer of the Areas, exercises or performs it.
- (3) The authority given to an officer of the Republic under section 5(2) or (3) to exercise any power or to perform any duty is in all cases subject to the condition that the power may not be exercised or the duty performed if to do so it would be necessary for the officer of the Republic to enter –
 - (a) any land occupied by the Crown in any capacity; or
 - (b) any land to which access is controlled or restricted by the Crown in any capacity; or
 - (c) any premises situated within any land such as is referred to in paragraph (b) above,unless he has the written authority of the Administrator to enter the land or premises concerned.
- (4) Nothing in section 5 has the effect of conferring any power or imposing any duty on any member of a police force of the Republic, by whatever name such force may be

known.

- (5) Nothing in section 5 has the effect of conferring any power or imposing any duty on an officer of the Republic in relation to—
- (a) any property owned or occupied by the Crown in any capacity, other than property which –
 - (i) is owned by the Crown in right only of its administration in the Areas, and
 - (ii) is not occupied or used, whether continuously or not, by the Crown in any capacity;
 - (b) any property owned or occupied by an authorised service organisation, as defined in the Treaty of Establishment;
 - (c) any act or omission occurring on property to which sub-paragraph (a) or (b) applies.

7. Effect of acts of officers of the Republic

Any power exercised or any duty performed by an officer of the Republic acting pursuant to section 5(2) or (3), and any act or thing whatever done or suffered in connection with the exercise of such a power or the performance of such a duty is of the same force and effect in all respects and for all purposes as if such power had been exercised, or such duty had been performed or such act or thing had been done by the Chief Officer acting pursuant to section 5(1).

8. Protection of officers of the Republic

Any enactment of the Areas giving protection to officers of the Areas against civil or criminal liability in respect of acts done in the course of their duties applies to officers of the Republic acting pursuant to section 5(2) or (3), and to any acts of such officers while so acting, as if such officers were officers of the Areas and as if such acts were the acts of officers of the Areas.

9. Legal proceedings

- (1) A court of the Areas may take judicial notice of a medicines law and of any other Republican document of any description granted or otherwise made under a medicines law, to the extent that that law or document is relevant to the exercise of any power or performance of any duty delegated to an official of the Republic in accordance with section 6.
- (2) For the purposes of this section, the production of a copy of any part of a Republican enactment –
- (a) contained in a printed collection of enactments purporting to be printed and published by an authority of the Republic; or
 - (b) contained in an issue of the Official Gazette of the Republic; or
 - (c) purporting to be printed by the Government Printer of the Republic, by whatever name called,
- is evidence for all purposes, and may be held by a Court to be conclusive evidence, of the due and lawful making of such enactment.
- (3) For the purposes of this section, a version of any part of a medicines law in the English language –
- (a) purporting to be produced by an authority of the Republic;
 - (b) certified as being accurate by an officer of the Administration considered by the Court to have been at the time of such certification a competent and adequate translator into the English language from the language in which the medicines law was published in the Republic;
 - (c) given or produced in the course of oral evidence of a person whom the Court considers to be a competent translator for the purpose;
 - (d) stated orally in court or produced in writing by a Registrar or official court interpreter,
- may in any of those cases be held by the Court to be conclusive evidence for all purposes that such version is the accurate English version of the medicines law or

part of the medicines law in question.

- (4) For the purposes of this section, the production of –
- (a) a relevant document, the accuracy of which is certified in writing by a senior officer of the Government Department of the Republic responsible for the relevant medicines law under which the relevant document was made; or
 - (b) an English translation of a relevant document, the accuracy of which is certified in writing by a translator of recognised competence,
- may be held by the Court to be conclusive evidence for all purposes of the contents of such document.

10. Application to the Crown

- (1) This Ordinance does not bind the Crown.
- (2) For the purposes of this section “the Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Areas.

11. Repeal

- (1) The Medicines for Human Use Ordinance 2002(a) and all public instruments made under it are repealed or, as the case may be, revoked.
- (2) The provisions of the repealed Ordinance and the revoked public instruments continue to apply in respect of any licence or permit issued under such law until the expiry of the licence or permit.

12. Commencement

This Ordinance comes into force on the day it is published in the Gazette.

Schedule

(section 2)

- 1. Medicines for Human Use (Control of quality, supply and prices) Law 2001 (No. 70(I)/01).

Notes
(a) Ordinance 20/2002.

EXPLANATORY NOTE
(This note is not part of the Ordinance)

Introduction

1. These explanatory notes relate to the Medicines for Human Use Ordinance 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. They do not form part of the Ordinance.
2. The notes should be read in conjunction with the Ordinance. They are not, and are not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

The Ordinance

3. The Ordinance adopts the Medicines for Human Use (Control of quality, supply and prices) Law 2001 of the Republic (No. 70(I)/01) and all public instruments made under it. In other words, the Ordinance provides for the Republican Law included in the Schedule, plus any amendments to it and any public instruments made or to be made under it, to have effect in the Sovereign Base Areas as if they had been made by the Administrator. It also allows for the future adoption of any new law relating to the control of medicines for human use which would be effected by adding such law to the Schedule. These adopted instruments have effect in the Areas in their original Republican format, and all rights, powers, liabilities and restrictions arising under them are recognised and available as law in the Areas.
4. This is subject to the exceptions and restrictions listed in the Ordinance. In particular, it does not enable a Republican person or body to make public instruments in respect of the Areas. Rather, any Republican public instrument made under a Republican medicines law stands to be adopted in the Areas under section 3. Secondly, section 4 makes a set of adaptations and modifications to the way the Republican laws are applied in the Areas to ensure that each works properly in the Areas. It also gives the Administrator an unlimited power to make any further modifications or exceptions to the way the Republican laws apply in the Areas.
5. Section 5 provides for the delegation of powers and duties arising under a medicines law. In the first place, they are all conferred and imposed on the Chief Officer of the Areas. Subsection (2) then provides that, with certain exceptions, each power and duty may be performed in the Areas by whichever Republican officer is authorised to perform a similar function in the Republic. However, such powers and duties can also be exercised by officials of the Areas should the Chief Officer decide. Subsection (3) provides for the recognition of any body which is created in the Republic under a medicines law and allows it to exercise, in the Areas, the same rights and duties that it exercises in the Republic. Section 6 sets certain limits on the delegation such as where the Republican officer would need to enter land occupied or controlled etc. by the Crown. Subsection (4) makes clear that the general delegation of powers under section 5 does not have the effect of imposing any powers or duties on any Republican police officer.
6. Sections 7 and 8 contain provisions to ensure that when acting in accordance with the Ordinance, the actions of officials of the Republic are treated as if they are actions of officials of the Areas.
7. Section 11 repeals the Medicines for Human Use Ordinance 2002 and revokes all public instruments made under it. This does not, however, affect any rights, liabilities or obligations incurred under that legislation.

(SBA/AG/2/CO/286)